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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/803,791	03/18/2004	Rolf Mieger	298-222	8040

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DILWORTH & BARRESE, LLP  
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EXAMINER

COTTINGHAM, JOHN R

ART UNIT PAPER NUMBER

2116

DATE MAILED: 10/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/803,791

Applicant(s)

MIEGER ET AL.

Examiner

John R. Cottingham

Art Unit

3679

*[Signature]*

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_.

### DETAILED ACTION

1. Claims 1 and 3 are objected to because of the following informalities: the phrase "preferably to the boom of a hydraulic excavator" renders the claim indefinite because it is unclear if the boom is being claimed or not; and claim 3, line 4, the term "and/or" renders the claim indefinite because it is unclear which combination is being claimed.. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Balemi U.S. Patent 5,082,389. Balemi shows all of the claimed subject matter of a quick-change attachment in figures 1-2.

Regarding claim 1, quick-change attachment to connect a tool, preferably, to the boom of a hydraulic excavator, comprising a boom-connecting quick-change component 1 to accommodate a tool, one end of which has a pin , and the other end of which is retained in a bearing of the quick-change attachment by positive-fit or friction engagement, characterized in that a bushing 7 in the form of a half-liner having a support angle is inserted within the bearing.

Regarding claim 2, characterized in that the bushing is composed of a wear-resistant material. (any material will wear)

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Regarding claim 3, characterized in that the bushing 7 is secured within the bushing support region of the bearing by an adhesive-bonding joint, shrink joint, welded joint, and/or screw connection. (it is inherent that bearing 7 is welded or a type of shrink joint)

Regarding claim 4, characterized in that the bushing has a collar (outer part around bearing 7).

Regarding claim 5, characterized in that the bushing 7 in the form of a half-liner has an insertion slot which has essentially the same diameter as the bearing hole.

Regarding claim 6, characterized in that the bushing is composed of curved, flat steel, and that the faces of the bushing's free ends contact the bushing support region of the bearing.

Regarding claim 7, characterized in that the bushing is secured within the bushing support region of the bearing by an adhesive-bonding joint, shrink joint, welded joint, and/or screw connection. (it is inherent that bearing 7 is welded or a type of shrink joint)

Regarding claim 8, characterized in that the bushing has a collar (portion around bearing 7).

Regarding claim 9, characterized in that the bushing in the form of a half-liner has an insertion slot (open portion in the C) which has essentially the same diameter as the bearing hole.

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Regarding claim 10, characterized in that the bushing 7 is composed of a curved, flat steel, and that the faces of the bushing's free ends contact the bushing support region of the bearing.

### ***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. McCann U.S. Patent 6,132,130 and Nishikawa et al. U.S. Patent Application 2002/0136597 shows similar inventions.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John R. Cottingham whose telephone number is (703) 306-3439. The examiner can normally be reached on Monday - Thursday, alternate Fridays.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (703) 308-2686. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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John R. Cottingham  
Primary Examiner  
Art Unit 3679

jrc